



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

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Date Mailed: March 3, 2023
MOAHR Docket No.: 23-000335
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Linda Jordan

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 42 CFR 438.400 to 438.424; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a hearing was held on February 22, 2023. Petitioner appeared and represented himself. Ryan Kennedy, Hearings Facilitator, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department).

ISSUE

Did MDHHS properly deny Petitioner's application for State Emergency Relief (SER) services?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On ██████████, 2022, Petitioner applied for SER services (Exhibit A, pp. 6-14). Petitioner indicated that he was homeless on the application and requested SER services for a home located in ██████████ (Exhibit A, pp. 6-9).
2. On January 3, 2023, MDHHS sent Petitioner an appointment notice, indicating that he had a telephone appointment scheduled on January 10, 2023 (Exhibit A, p. 16).
3. On January 11, 2023, MDHHS sent Petitioner a State Emergency Relief Decision Notice, indicating that his request for SER services had been denied (Exhibit A, p. 17). The funds requested for mortgage/land contract payment assistance was denied because Petitioner's shelter did not meet the affordability requirements of the program (Exhibit A, pp. 17-18). The funds requested for heating assistance

(Gas/Wood/Other), water or sewage and non-heat electricity were denied because the bills were not connected to Petitioner's current address (Exhibit A, pp. 17-18).

4. On January 20, 2023, Petitioner requested a hearing to dispute the denial of his application for SER services (Exhibit A, pp. 3-4).

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. MDHHS administers the SER program pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

In this case, MDHHS denied Petitioner's application for SER energy and utility services because the utility bills were not associated with his current address. Additionally, MDHHS denied Petitioner's request for mortgage/land contract assistance because it determined that the shelter did not meet the program's affordability requirements.

SER assists applicants with safe, decent, affordable housing and other essential needs when an emergency arises. ERM 101 (March 2013), p. 1. Low-income households who meet all SER eligibility requirements may receive assistance to help them with household heat and electric costs in the event of an energy crisis. ERM 301 (December 2022), pp. 1-2. An energy crisis includes situations in which an individual or household has a past due account or shutoff notice on an energy bill for his or her household. *Id.* When the group's heat or electric service for their current residence is in past due status, in threat of shutoff or is already shutoff and must be restored, payment may be authorized to the enrolled provider. *Id.*, p. 4. The bill must be connected to the group's current address. *Id.*, p. 7. SER assistance may also be available to prevent shutoff of other utilities, including water, sewer or cooking gas. ERM 302 (December 2022), p. 1. The bill does not have to be in the group's name but it must be connected to the applicant's current address. *Id.*

In this case, Petitioner requested SER energy and utility assistance for his home address, which differed from the mailing address that he provided on the application. Petitioner also indicated on the application that he was homeless. At the hearing, Petitioner explained that he was temporarily displaced from his home in [REDACTED] due to a medical emergency and unsafe conditions at the home. It is unclear from the record when or if Petitioner returned to his home in [REDACTED] after he submitted the SER application. Petitioner further testified that he responded to the MDHHS' requests for verification of his outstanding utility bills and attempted to contact his worker to explain the situation but was unable to reach anyone. It is a requirement of

SER energy and utility services that the bill be connected to the applicant's current address. ERM 301, pp. 1-2; ERM 302, p. 1. However, given the circumstances in this case, MDHHS should have allowed Petitioner an opportunity to verify his current resident address in order to determine when or if he returned to his [REDACTED] home before denying his request for assistance.

Additionally, SER homeownership assistance is available to prevent loss of a home if no other resources are available and the home will be available to provide safe shelter for the SER group in the foreseeable future. ERM 304 (October 2021), p. 1. SER also assists with home repairs to correct unsafe conditions and restore essential services. *Id.* To qualify for homeownership services, the ongoing cost of maintain the home must be affordable to the SER group, as defined by ERM 207, Housing Affordability. *Id.*, p. 4. MDHHS is required to deny SER if the group does not have sufficient income to meet their total housing obligation. ERM 207 (October 2020), p.1. The total housing obligation cannot exceed 75 percent of the group's total net countable income. *Id.*

Petitioner requested funds to assist with his mortgage payment, which he listed as \$1,469.30 (Exhibit A, p. 9). Petitioner also reported that he was not employed or self-employed and that he did not have any other income (Exhibit A, p. 11). Petitioner did not present any evidence that his circumstances had changed at the hearing. Based on this information, MDHHS properly denied Petitioner's request for mortgage assistance for failing to meet the housing affordability requirements of the program.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that MDHHS acted in accordance with Department policy when it denied Petitioner's request for SER homeownership assistance; however, MDHHS failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner's request for SER for utility and energy services.

DECISION AND ORDER

Accordingly, MDHHS' decision is **AFFIRMED IN PART** with respect to Petitioner's application for SER homeownership assistance and **REVERSED IN PART** with respect to Petitioner's application for SER utility and energy assistance.

MDHHS IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reregister Petitioner's [REDACTED], 2022 application for SER energy and utility services (including heat, electricity, water/sewage);

2. Redetermine Petitioner's eligibility for SER energy and utility services from December 28, 2022 ongoing, requesting additional information from Petitioner as necessary;
3. Issue supplements to Petitioner or Petitioner's service providers for any payments that he was eligible to receive but did not from December 28, 2022 ongoing; and
4. Notify Petitioner of its decision in writing.



LJ/tm

Linda Jordan
Administrative Law Judge

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Via-Electronic Mail :

DHHS

Vivian Worden
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**MDHHS-Macomb-12-
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Interested Parties

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E. Holzhausen
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G. Vail
BSC4
MOAHR

Via-First Class Mail :

Petitioner

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